IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13094 of 1999

Between:

Kuchipudi Venkateswara Rao s/o Narayana,

Aged 41 years, Miunuguru village and Mandal,

Khammam District.

..... PETITIONER

AND

1. The Collector,

Khammam District

Khammam

2. Mandal Revenue Officer,

Munuguru Revenue Mandal,

Khammam District.

3. Mutayala Venkateswarulu,

R/o: Munuguru village and Mandal,

Khammam District

4. Executive Engineer (IB),

Khammam, Khammam District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of mandamus, declaring that the entertainment of the case No. 1/99 by the 1st respondent herein i.e. the Collector, Khammam, Khammam District, in which the elections to the Nerella Cheruvu Ayakatdar Committee i.e. Water Users Association, Manuguru village and Mandal, Khammam District, headed by the petitioner, as its President and passing orders dated 16.6.1999 in IA No. 1/99 in Case No. 1/99 as without jurisdiction, power or authority, arbitrary, contrary to the provisions of the A.P. Farmers Management of Irrigation Systems Act, 1997 and the election Tribunal Rules, 1997, thereon and hence, set aside the order dated 16.6.1999 passed in I.A. no. 1/99 in Case No. 1/99.

Counsel for the Petitioner: MR.D.V.BHADRAM

Counsel for the Respondent No1,2 & 4.: GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following :

ORDER

The petitioner herein is one of theAyacutdars in Nerella Cheruvu of Manuguru village and President of the Water Users Association. While so, the third respondent filed Case No. 1/99 under Sec. 4(4) of the A.P. Farmers Management of Irrigation Systems Act, 1997 and the first respondent praying an order in his favour, and also filed IA 1/99seeking to stay the function of the President till disposal of the Case 1/99 and the 1st respondent by order dated 16.6.1999 directed the 4th respondent not to transfer moneys to the Nerella Cheruvu Ayacutdar Committee. Therefore, the petitioner came up with this writ petition.

On 2.7.1999, while issuing rule nisi, this court stayed the operation of the impugned order, but on 29.7.2003, the stay ordered on 2.7.1999 was vacated. Therefore, in view of the elections conducted

subsequently, to the Water Users Association, the writ petition has become infructuous. Consequently, the writ petition is dismissed having become infructuous. No order as to costs.

Elipe Dharma Rao, J.

June 9, 2005

MAS.

To

1. The Collector,

Khammam District

Khammam

2. Mandal Revenue Officer,

Munuguru Revenue Mandal,

Khammam District.

3. Executive Engineer (IB),

Khammam, Khammam District.

4. 2 Copies to the Govt. Pleader for Irrigation & Command Area

Development, A.P. High Court Buldings, Hyderabad.

5. 2 CD copies

Form-NIC-OGS/WP{ }